IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
APPEAL FROM ORDER NO. 166 OF 2005

New Heritage Educational Trust & ors. ... Appellants.
Versus.
Piyush C.Mehta. ... Respondent.

Shri Prakash Lad for the Appellants.

CORAM : ABHAY S. OKA, J.

DATED : 21st February, 2005.

P.C.:

1. Heard the learned Advocates appearing for the Appellants. The challenge is to the order dated 13th December 2004 which decides the preliminary issue of jurisdiction. By the impugned order it is held that the trial Court has pecuniary jurisdiction to entertain and try the suit. Obviously, Appeal from Order against the said order is not maintainable. Faced with this difficulty, the learned Advocate appearing for the Appellant seeks permission to withdraw this Appeal with liberty to file appropriate proceedings for challenging the impugned order.

2. The Appeal is allowed to be withdrawn with liberty as prayed.

3. Parties to act on authenticated copy of the order.

Judge.